

# **EXHIBIT “A”**

GILL & CHAMAS, L.L.C.

By: Raymond A. Gill, Jr., Esq. (#025191977)

655 Florida Grove Road - P.O. Box 760

Woodbridge, NJ 07095

(732) 324-7600

Attorney for Plaintiff(s)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: OCEAN COUNTY

DOCKET NO.: OCN-L-965-15

MARTIN BERLINSKI and MARGARET  
MCCLAUGHLIN,

Plaintiffs,

vs.

Civil Action

SUMMONS

API OUTDOORS; GLOBAL MANUFACTURING  
COMPANY, LLC; BGHA, INC., et al,

Defendants,

From the State of New Jersey  
to the Defendant(s) named above:

GLOBAL MANUFACTURING CO., LLC

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee<sup>^</sup> payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the legal services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: April 22, 2015

*Is/ Michelle M. Smith*  
Clerk, Superior Court of New Jersey

Name of Defendant to be Served:  
Address of Defendant to be Served:

Global Manufacturing Co., LLC  
1905 1<sup>st</sup> Avenue North  
Windom, MN 56101

\$105.00 FOR CHANCERY DIVISION CASES OR \$110.00 FOR LAW DIVISION CASES

OCEAN COUNTY SUPERIOR COURT  
OCEAN COUNTY COURTHOUSE  
CIVIL LAW DIVISION  
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO.: (732) 929-2016  
COURT HOURS 8:30 AM - 4:30 PM

DATE: APRIL 06, 2015  
RE: BERLINSKI VS AFI OUTDOORS  
DOCKET: OCN L -000563 15

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARK A. TRONCONE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002  
AT: (732) 929-4772 EXT 4772.


IF YOU BELIEVE THAT THIS TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 10 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: RAYMOND A. GILL  
GILL & CHAMPS  
555 FLORIDA GROVE RD  
PO BOX 750  
WOODBRIIDGE NJ 07095

JUNAKIS

## Appendix XII-B1

 <b>CIVIL CASE INFORMATION STATEMENT (CIS)</b> Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CC <input type="checkbox"/> CA	CHG/CK NO.
ATTORNEY / PRO SE NAME Raymond A. Gill, Jr., Esq.		TELEPHONE NUMBER (732) 324-7600	COUNTY OF VENUE Ocean
FIRM NAME (if applicable) Gill & Charnas, LLC		DOCKET NUMBER (when available) <i>8965-15</i>	
OFFICE ADDRESS 655 Florida Grove Road, P.O. Box 760 Woodbridge, NJ 07095		DOCUMENT TYPE Complaint	
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Martin Berlinski, Plaintiff		CAPTION Berlinski v. API Outdoors, et al	
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION  None known			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule</i> 1:38-7(b).			
ATTORNEY SIGNATURE <i>[Signature]</i>			

APR - 1 2015

Side 2



## CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

**CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)

**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

**Track II - 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 821 UM or UIM CLAIM (Includes bodily injury)
- 699 TORT - OTHER

**Track III - 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV - Active Case Management by Individual Judge / 450 days' discovery**

- 158 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FAKE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Multicounty Litigation (Track IV)**

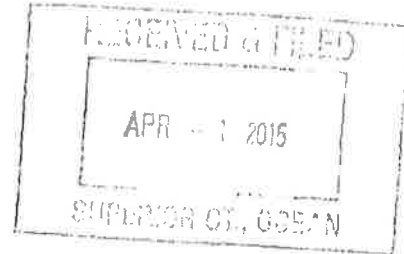
- |                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>266 HORMONE REPLACEMENT THERAPY (HRT)</li> <li>271 ACCUTANE/ISOTRETINOIN</li> <li>274 RISPERDAL/SEROQUEL/ZYPREXA</li> <li>278 ZOMETHA/AREXIA</li> <li>279 GADOLINIUM</li> <li>281 BRISTOL MYERS SQUIBB ENVIRONMENTAL</li> <li>282 FOSAMAX</li> <li>284 NUVARING</li> <li>285 STRYKER TRIDENT HIP IMPLANTS</li> <li>286 LEVAQUIN</li> <li>287 YAZ/YASMIN/OCELA</li> </ul> | <ul style="list-style-type: none"> <li>288 PRUDENTIAL TORT LITIGATION</li> <li>289 REGLAN</li> <li>290 POMPTON LAKES ENVIRONMENTAL LITIGATION</li> <li>291 PELVIC MESH/GYNECARE</li> <li>292 PELVIC MESH/BARD</li> <li>293 DEPUY ASR HIP IMPLANT LITIGATION</li> <li>295 ALLODERM REGENERATIVE TISSUE MATRIX</li> <li>296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS</li> <li>297 MIRENA CONTRACEPTIVE DEVICE</li> <li>601 ASBESTOS</li> <li>623 PROPECIA</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59

Gill & Chamas, L.L.C.  
By: *Raymond A. Gill, Jr., Esq. (#025191977)*  
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732-324-7600  
732-324-7606 (fax)

*Attorneys for Plaintiffs*



MARTIN BERLINSKI and MARGARET  
BERLINSKI,

Plaintiffs,

vs.

API OUTDOORS; GLOBAL  
MANUFACTURING COMPANY, LLC;  
BGHA, INC. d/b/a BIG GAME HUNTING  
ACCESSORIES; THE SPORTSMAN'S  
GUIDE, INC., d/b/a SPORTSMAN'S  
GUIDE; JOHN DOES 1 - 10 (said names  
fictitious, real names unknown), individually,  
and as agents, servants, and/or employees of  
API OUTDOORS, GLOBAL  
MANUFACTURING COMPANY, LLC,  
BGHA, INC. d/b/a BIG GAME HUNTING  
ACCESSORIES, and/or THE  
SPORTSMAN'S GUIDE, INC., d/b/a  
SPORTSMAN'S GUIDE; ABC CORPS. 1 -  
10 (said names fictitious, real name unknown);  
RICHARD ROES 1 - 10 (said names fictitious,  
real names unknown), individually, and as  
agents, servants, and/or employees of ABC  
CORPS. 1 - 10,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
OCEAN COUNTY

DOCKET NO.: OCN-L-

Civil Action

COMPLAINT AND JURY DEMAND

2965-15

The Plaintiffs, Martin Berlinski and Margaret Berlinski, residing at 213 Teaneck  
Road, Township of Barnegat, County of Ocean, State of New Jersey, by way of Complaint  
against the defendants, says:

### JURISDICTION

1. The defendants, API OUTDOORS and GLOBAL MANUFACTURING COMPANY, LLC, are licensed corporations that do business in Cottonwood County, Minnesota, and distributes products throughout the United States including Ocean County.

2. The subject API OUTDOORS tree stand which forms the basis of this complaint was purchased from THE SPORTSMAN'S GUIDE, INC., d/b/a SPORTSMAN'S GUIDE; a catalog mailed from So. St. Paul, MN and throughout the United States, inclusive of Ocean County.

3. The defendant, THE SPORTSMAN'S GUIDE, INC., d/b/a SPORTSMAN'S GUIDE is a licensed corporation that does business in Dakota County, Minnesota.

4. The defendant, THE SPORTSMAN'S GUIDE, INC., d/b/a SPORTSMAN'S GUIDE, sent catalogs containing information about the subject API OUTDOORS tree stand which forms the basis of this complaint to the plaintiff's home in Ocean County, New Jersey.

5. The defendant, THE SPORTSMAN'S GUIDE, INC., d/b/a SPORTSMAN'S GUIDE, by and through the use of its catalog, sold the subject API OUTDOORS tree stand product which ultimately failed and caused injury to plaintiff, Martin Berlinski.

6. The defendants API OUTDOORS; GLOBAL MANUFACTURING COMPANY, LLC; BGHA, INC. d/b/a BIG GAME HUNTING ACCESSORIES; THE SPORTSMAN'S GUIDE, INC., d/b/a SPORTSMAN'S GUIDE; engaged in continuous and systematic contacts with Ocean County, New Jersey through their mailing of catalogs, and advertising.

7. The plaintiff, Martin Berlinski, was injured by the aforementioned defective tree stand on or about September 24, 2014, while using it in a usual and customary fashion in Ocean County, New Jersey.



8 Therefore, venue is properly laid in Ocean County Superior Court.

FIRST COUNT

1. The defendants, API OUTDOORS, GLOBAL MANUFACTURING COMPANY, LLC; BGHA, INC. d/b/a BIG GAME HUNTING ACCESSORIES; and/or ABC CORPS. 1 – 10 (said names fictitious, real name unknown) are corporations licensed to do business in the State of Minnesota, that which manufactured and placed into the stream of commerce a hunting tree stand product under the API OUTDOORS brand, specifically known as API OUTDOORS Aluminum Marksman Climber Tree Stand, Model Number GCL 300A, Serial Number 9G-0114.

2. The aforesaid defendants through their agents, servants and/or employees JOHN DOES 1 – 10 (said names fictitious as real names unknown), being licensed professionals and/or unlicensed personnel including, but not limited to its designers and engineers, individually, and as agents, servants, and/or employees of API OUTDOORS; GLOBAL MANUFACTURING COMPANY, LLC; BGHA, INC. d/b/a BIG GAME HUNTING ACCESSORIES; and/or ABC CORPS. 1 – 10, placed into the stream of commerce the aforementioned consumer tree stand which was not reasonably fit, suitable, or safe for its intended purposes because: (a) it was defectively designed; (b) it was defectively manufactured; and/or (c) it did not contain adequate warnings or instructions with respect to its use for purposes of safety.

3. On or about September 24, 2014, the plaintiff, Martin Berlinski was using the aforementioned tree stand product in its' customary and foreseeable fashion when it suddenly and without warning, failed, causing plaintiff to fall fifteen feet and sustain severe and permanent personal injuries.



4. The aforesaid defendants are liable for the aforesaid incident based upon the theory of strict liability in tort pursuant to the New Jersey Products Liability Act, N.J.S. 2A:58-(c), et seq.

5. As a direct and proximate result of the negligence, recklessness, and/or carelessness of the aforementioned defendants, and for any and all violations of the New Jersey Products Liability Act, the plaintiff, Martin Berlinski has and will in the future suffer pain, suffering, disabilities, impairments, loss of enjoyment of life; Plaintiff has and will in the future be forced to expend large sums of money for medical care and attention; and Plaintiff has and will in the future be unable to pursue his normal activities of daily living as before.

WHEREFORE, the plaintiff, Martin Berlinski demands judgment against the defendants, either jointly, severally or in the alternative, for damages together with interest and costs of suit.

#### SECOND COUNT

1. The plaintiff, Martin Berlinski repeats and realleges each and every allegation of the First Count herein and makes the same a part hereof by reference thereto.

2. The defendants, API OUTDOORS, GLOBAL MANUFACTURING COMPANY, LLC, BGHA, INC. d/b/a BIG GAME HUNTING ACCESSORIES; THE SPORTSMAN'S GUIDE, INC., d/b/a SPORTSMAN'S GUIDE; and/or ABC CORPS. 1 - 10, placed the aforementioned tree stand product in the stream of commerce with warranties of fitness for the particular purpose for which it was designed and/or constructed.

3. The aforesaid defendants, through their agents, servants and/or employees JOHN DOES 1 - 10 (said names fictitious as real names unknown, being licensed professionals and/or unlicensed personnel including, but not limited to its designers and engineers),

individually, and as agents, servants, and/or employees of API OUTDOORS, GLOBAL MANUFACTURING COMPANY, LLC; BGHA, INC. d/b/a BIG GAME HUNTING ACCESSORIES; and/or ABC CORPS. 1 – 10, negligently and/or carelessly designed and/or constructed said consumer tree stand product with inappropriate materials for its intended application.

4. The aforesaid defendants breached said warranties in the manner in which said consumer tree stand product was defectively designed and/or constructed which defects were the proximate cause of the injuries to the plaintiff.

5. As a direct and proximate result of the negligence, recklessness, and/or carelessness of the aforementioned defendants, the plaintiff has and will in the future suffer pain, suffering, disabilities, impairments, loss of enjoyment of life; Plaintiff has and will in the future be forced to expend large sums of money for medical care and attention; and Plaintiff has and will in the future be unable to pursue his normal activities of daily living as before.

WHEREFORE, the plaintiff, Martin Berlinski demands judgment against the aforementioned Defendants, either jointly, severally, or in the alternative, for damages together with interest and costs of suit.

### THIRD COUNT

1. The plaintiff, Martin Berlinski repeats and realleges each and every allegation of the First and Second Count herein and makes the same a part hereof by reference thereto.

2. The defendants, API OUTDOORS, GLOBAL MANUFACTURING COMPANY, LLC; BGHA, INC. d/b/a BIG GAME HUNTING ACCESSORIES; and/or ABC CORPS. 1 – 10, breached warranties of fitness and merchantability both express and implied when the consumer tree stand product in question was manufactured and placed into the stream of commerce with a defective design and/or manufacturer causing it to be dangerously defective.

3. The aforesaid defendants are responsible for the breach of warranties both express and implied of fitness and merchantability as a matter of strict liability in tort pursuant to N.J.S.A. 2A:58(c)-2, et seq.

4. As a direct and proximate result of the negligence, recklessness, and/or carelessness of the aforementioned defendants, the plaintiff has and will in the future suffer pain, suffering, disabilities, impairments, loss of enjoyment of life; Plaintiff has and will in the future be forced to expend large sums of money for medical care and attention; and Plaintiff has and will in the future be unable to pursue his normal activities of daily living as before.

WHEREFORE, the plaintiff, Martin Berlinski demands judgment against the aforementioned Defendants, either jointly, severally, or in the alternative, for damages together with interest and costs of suit.

#### FOURTH COUNT

1. Plaintiff Margaret Berlinski repeats and re-alleges each and every paragraph of the First, Second, Third Counts and makes the same a part hereof by reference thereto.

2. At all times relevant herein the Plaintiff, Margaret Berlinski, was and is the lawful wife of the Plaintiff, Martin Berlinski, and as such is entitled to his services, society, care, companionship, and consortium.

3. As a direct and proximate cause of the negligence of all of the defendants, as aforesaid, the Plaintiff Margaret Berlinski, has lost and will in the future lose the services, society, care, companionship, and consortium of her husband, the Plaintiff, Martin Berlinski.

WHEREFORE, Plaintiff, Margaret Berlinski, hereby demands Judgment against the defendants herein for damages, either jointly, severally, or in the alternative, together with interest and costs of suit.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all issues.

NOTICE OF DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to the Rules of Court, Raymond A. Gill, Jr., Esq. is hereby designated as trial counsel of the within matter.

GILL & CHAMAS, L.L.C.  
Attorneys for Plaintiffs

By:

  
RAYMOND A. GILL, JR.

DATED: March 26, 2015

CERTIFICATION PURSUANT TO R. 4:5-1

I, RAYMOND A. GILL, JR., ESQ., hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and am the senior partner of the firm of Gill & Chamas, LLC., and, as such, am fully familiar with same.
2. To the best of my knowledge, confirmation and belief, there is no other action pending about the subject matter of this Complaint in the Superior Court of New Jersey, Law Division, Ocean County. Additionally, there are no other persons known to me who should be added as parties to this matter, nor are there any other actions contemplated.
3. I do hereby certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

GILL & CHAMAS, LLC  
Attorneys for Plaintiffs

By:   
RAYMOND A. GILL, JR.

DATED: March 26, 2015